

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JASON L. ZULLINGER,</b>	:	
	:	<b>No. 1:10-CV-1450</b>
<b>Plaintiff</b>	:	
	:	<b>JUDGE YVETTE KANE</b>
<b>v.</b>	:	
	:	
<b>YORK COUNTY CCC HALFWAY HOUSE, et al.</b>	:	
	:	<b>JURY TRIAL DEMANDED</b>
	:	
<b>Defendants</b>	:	<b>Electronically Filed</b>

**DEFENDANTS' ANSWER TO THE COMPLAINT**

Defendants, York County CCC Halfway House, Maxine Stanley, Shelly Stover, Heather Miller, Volante McNeil, Cheri Wojcik, Kaitlynn Beck and Magali Gonzalez, by their attorneys, hereby respond to the allegations in the complaint in the above-captioned case as follows:

**First Defense**

1. Insofar as the averments in this paragraph are intended to be more than merely descriptive, it is DENIED that the defendants deprived plaintiff of his federally protected rights.

2. The averments in this paragraph are intended as a jurisdictional statement to which no response is required.

3. The averment in this paragraph is a request for a jury trial to which no response is required.

4. DENIED that plaintiff is entitled to punitive or any other type of damages.

5. The averments in this paragraph are intended to describe the proper venue of this case and, as such, require NO RESPONSE.

6. ADMITTED.

7. ADMITTED.

8. ADMITTED as to the identities of the individual defendants.

9. DENIED.

10. DENIED.

11. ADMITTED.

12. DENIED that defendants subjected plaintiff to arbitrary and capricious action or directed anyone else to do so.

13. ADMITTED.

14. ADMITTED.

15. DENIED.

16. DENIED.

17. ADMITTED.

18. ADMITTED.

19. ADMITTED that defendant Stover is female. Each and every remaining averment in this paragraph is DENIED.

20. DENIED.

21. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments in this paragraph; therefore, they are DENIED.

22. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments in this paragraph; therefore, they are DENIED.

23. DENIED that defendant Stover made the statement attributed to her.

24. DENIED.

25. DENIED.

26. The averment in this paragraph incorporates by reference the averments in the paragraphs 1 through 25 in the complaint and, as such, requires NO RESPONSE.

27. DENIED that Defendant Stanley changed plaintiff's conditions of parole.

28. DENIED.

29. DENIED.

30. ADMITTED.

31. DENIED.

32. The averment in this paragraph incorporates by reference the averments in the paragraphs one through 31 in the complaint and, as such, requires NO RESPONSE.

33. DENIED.

34. DENIED.

35. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments in this paragraph; therefore, they are DENIED.

36. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments in this paragraph; therefore, they are DENIED.

37. The averment in this paragraph incorporates by reference the averments in the paragraphs one through 37 in the complaint and, as such, requires NO RESPONSE.

38. DENIED that all the individual defendants work for the York County CCC.

39. ADMITTED that the individual defendants are referred to as “inspection defendants” in the complaint.

40. ADMITTED.

41. DENIED.

42. DENIED.

43. DENIED.

44. DENIED.

### **Second Defense**

45. The complaint fails to state a claim upon which relief can be granted.

### **Third Defense**

46. The individual defendants are entitled to qualified immunity for their actions.

### **Fourth Defense**

47. The claims against the York County CCC are barred by the Eleventh Amendment.

**Respectfully submitted,**

**THOMAS W. CORBETT, JR.**  
**Attorney General**

<b>Office of Attorney General</b>	<b>By: <u>s/Gwendolyn T. Mosley</u></b>
<b>Civil Litigation</b>	<b>GWENDOLYN T. MOSLEY</b>
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<b>Date: October 7, 2010</b>	<b>Chief, Litigation Section</b>

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**CERTIFICATE OF SERVICE**

I, **GWENDOLYN T. MOSLEY**, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on October 7, 2010, I caused to be served a true and correct copy of the foregoing Defendants' Answer to the Complaint by electronic filing upon the following individual:

Don A. Bailey, Esquire  
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Harrisburg, PA 17110  
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s/Gwendolyn T. Mosley  
**GWENDOLYN T. MOSLEY**  
**Senior Deputy Attorney General**